

REMARKS

In the aforementioned Office communication, each of claims 35, 37-39, and 49-51 has been rejected based on one of the prior art patents to Nien et al., Roy, and Schnebly '436. Upon receiving the Office action, attorney for applicant conducted a telephone interview with Examiner Ramsey on November 10, 2009, to suggest amendments to the claims which were felt to patentably distinguish the claims from the prior art. Examiner Ramsey felt the suggested amendments to claims 49-51 would be acceptable, but he wanted to discuss them with a supervisor and said he would call me back. With regard to the amendments suggested for claim 35, upon which claims 37-39 are dependent, it was explained to Examiner Ramsey that this series of claims was directed to the embodiment of applicant's invention shown in Figs. 51A and 51B as it was not felt Examiner Ramsey understood the subject matter of this series of claims. Examiner Ramsey acknowledged that he did not associate this series of claims with Figs. 51A and 51B and, accordingly, attorney for applicant suggested certain amendments to claim 35 to make the claim more clear. It was attorney for applicant's understanding that Examiner Ramsey would reassess the rejection of claims 35 and 37-39 based on this new understanding, but attorney for applicant has never received further word from Examiner Ramsey. Attorney for applicant telephoned Examiner Ramsey unsuccessfully on several occasions subsequent to the November 10 interview. Accordingly, it was felt the changes to the claims suggested in the November 10 interview should be incorporated into a formal response to the Office Action, and the present response is being made for that purpose.

It is perhaps best to first address claims 49-51 wherein claims 49 and 50 were rejected under Section 102 as being anticipated by the disclosure in Nien et al., and claim 51 was rejected under Section 102 as being anticipated by the patent to Roy. First of all, it should be noted in independent claim 49, upon which claim 50 is dependent, the claim is directed to a fabric that is comprised of a plurality of elongated vanes having a flexible component with first and second longitudinal edges and a semi-rigid or rigid component with first and second longitudinal edges wherein the first edges of the components are connected together, and the second edge of the flexible component is connected to an adjacent vane.

The examiner has rejected the claim, as mentioned, based on the Nien et al. patent, but while it is not felt the Nien et al. patent is a fair anticipation of the subject matter of claims 49 and 50, the claims have been amended herein to make the distinctions more clear. In other words, in Nien et al., the vanes identified by the examiner as being components 42 and 44 are both "flexible" material pursuant to column 1 on page 2 of the published application. Examiner Ramsey has taken the position that the flaps 44 are in fact rigid or semi-rigid, probably because they have plastic or metal ribs along their edges. While the patent application does not state whether or not the plastic or metal ribs are semi-rigid or rigid, the patent application continues to refer to the panels as being flexible. Further, the vanes or slats in the Nien et al. system are not connected to each other as provided for in claim 49 even though the examiner has taken this position, and he has probably taken that position due to the fact that they are commonly connected to tilt cords even though it is important to note they are not directly connected to each other. To clarify this distinction between the

subject matter of claims 49 and 50 and the structure of the Nien et al. system, claims 49 and 50 have been amended to state the second edge of each flexible component of a vane is directly connected to an adjacent vane. Even if one were to interpret the vanes or slats of the Nien et al. system as being connected to each other through their independent connection to tilt cords, they are certainly not "directly" connected to each other and, accordingly, it is felt claims 49 and 50, as amended, are patentably distinguishable from Nien et al. and the other prior art cited by the examiner.

Claim 51 is a similar claim except the vanes are defined as being supported on a support structure at spaced locations along the support structure. The examiner has taken the position that since the support structure 30 in the Roy patent supports the uppermost vane and the remaining vanes are operatively connected to the uppermost vane, then all of the vanes are supported at spaced locations along the support structure. While applicant does not agree inasmuch as the support structure, even if it were interpreted as supporting the various vanes, would not support the vanes at spaced locations along the support structure. In spite of the above, however, claim 51 has been amended herein to state that the plurality of parallel elongated vanes are connected individually and directly to said support structure at spaced locations along the support structure with all of the vanes being attached directly to the exterior surface of the support structure. Clearly, in Roy, the vanes are not all directly connected to the support structure and, accordingly, in its amended form, claim 51 is felt to be patentably distinguishable from the cited art.

With regard to the rejection of claims 35 and 37-39, as mentioned above, they are directed to the embodiment of the invention shown in Figs. 51A and 51B of the

present application. Claim 35 was previously directed to a plurality of adjacent fabrics positioned in adjacent architectural openings in a building structure with each fabric having top and bottom edges, with one of the edges being fixed and with the other edge of an adjacent fabric forming a continuous non-linear edge with the fabrics to which it is adjacent. The examiner apparently misunderstood the claim as the Schnebly patent, upon which he has based his rejection of these claims, does not have adjacent fabrics with non-linear top or bottom edges that are continuous with each other. Accordingly, to make the claim more clear, claim 35, upon which claims 37-39 depend, has been amended to state it is directed to the combination of a plurality of adjacent fabrics positioned in one or a plurality of adjacent architectural openings wherein the fabrics have a top edge and a bottom edge with one of the edges being fixed in an associated architectural opening, and the other of the edges being non-linear and vertically movable with the other of the edges being alignable in forming a continuation of the associated other edge of an adjacent fabric so as to form a substantially continuous non-linear edge of the aggregate plurality of fabrics.

Clearly, none of the references cited by the examiner shows such an invention. Accordingly, claim 35, along with claims 37-39 which are dependent thereon, are felt to be in allowable form.


There being no other objections or rejections of the application, it is felt it is in condition for allowance and such action is courteously requested.

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Respectfully submitted,


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